STAND. COM. REP. NO. 2525

Honolulu, Hawaii FEB 2 7 2014

RE: S.B. No. 2080

Honorable Donna Mercado Kim President of the Senate Twenty-Seventh State Legislature Regular Session of 2014 State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred S.B. No. 2080 entitled:

"A BILL FOR AN ACT RELATING TO THE UNIFORM MEDIATION ACT,"

begs leave to report as follows:

The purpose and intent of this measure is to clarify the scope of the Uniform Mediation Act.

Your Committee received testimony in support of this measure from the Judiciary.

Your Committee finds that the Uniform Mediation Act under chapter 658H, Hawaii Revised Statutes, does not apply to a mediation conducted by a judge who might make a ruling on a case. The Judiciary testified that in reviewing the impact of the Uniform Mediation Act on existing court rules and procedures, it found instances where a judge may be assigned to a particular case but who will not issue a ruling in the case. For example, in circuit court, a presiding judge may enlist another judge to conduct a settlement conference in the pending court case. While these types of settlement conferences are usually not considered mediation, the Judiciary expressed concern that the broad language of the Uniform Mediation Act may include these types of settlement conferences as mediation. This measure clarifies the scope of the Uniform Mediation Act by excluding mediation conducted by a judge on a case.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report,

2014-1549 SSCR SMA.doc

your Committee is in accord with the intent and purpose of S.B. No. 2080 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Respectfully submitted on behalf of the members of the Committee on Judiciary and Labor,

CLAYTON HEE, Chair

The Senate Twenty-Seventh Legislature State of Hawai'i

Record of Votes Committee on Judiciary and Labor JDL

Bill / Resolution No.:*	Committee Referral:		Dat	Date: /		
SB 2080	7	DL		2/241	14	
The committee is reconsidering its previous decision on this measure.						
If so, then the previous decision was to:						
The Recommendation is:						
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313						
Members		Aye	Aye (WR)	Nay	Excused	
HEE, Clayton (C)				<u> </u>		
SHIMABUKURO, Maile S.L. (VC)		V		 	1.11	
GABBARD, Mike						
GALUTERIA, Brickwood					/	
IHARA, Jr., Les						
SOLOMON, Malama						
SLOM, Sam						
	· . ·					
<u> </u>				· <u></u>		
<u></u>				-		
<u> </u>						
				1.20		
TOTAL	<u></u> .	5			2	
Recommendation:						
Adopted Not Adopted						
Chair's or Designee's Signature:						
Distribution: Original Yellow File with Committee Report Clerk's Office			Pink Goldenrod Drafting Agency Committee File Copy			

*Only one measure per Record of Votes